

ORIGINAL

DONNELLY, J.

KUO, M.J.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

John GARGANO

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-against-

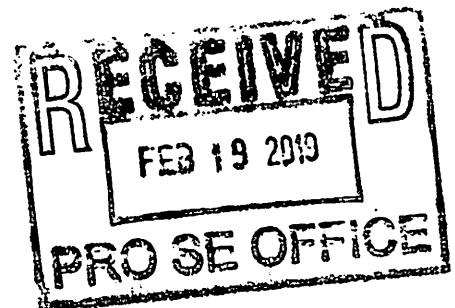
Wells Fargo Advisors
Solutions

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Complaint for a Civil Case

Case No. **CV 19-1064**
(to be filled in by the Clerk's Office)

Jury Trial: ☐ Yes ☒ No
(check one)



I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>JOHN GARGANO</u>
Street Address	<u>329 ROTA ROAD P.O. BOX 46</u>
City and County	<u>MONKTON, VT Addison County</u>
State and Zip Code	<u>VERMONT 05469</u>
Telephone Number	<u>802 453-6631</u>
E-mail Address	<u>JGARGANO55@gmail.com</u>

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	<u>WELLS FARGO ADVISORS SOLUTIONS</u>
Job or Title (if known)	<u></u>
Street Address	<u>1525 West WT HARRIS BLVD.</u>
City and County	<u>CHARLOTTE</u>
State and Zip Code	<u>NORTH CAROLINA 28262</u>
Telephone Number	<u>866 636-8339</u>
E-mail Address (if known)	<u></u>

Defendant No. 2

Name	<u></u>
Job or Title (if known)	<u></u>
Street Address	<u></u>
City and County	<u></u>

State and Zip Code _____
Telephone Number _____
E-mail Address _____
(if known)

Defendant No. 3

Name _____
Job or Title _____
(if known)
Street Address _____
City and County _____
State and Zip Code _____
Telephone Number _____
E-mail Address _____
(if known)

Defendant No. 4

Name _____
Job or Title _____
(if known)
Street Address _____
City and County _____
State and Zip Code _____
Telephone Number _____
E-mail Address _____
(if known)

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? (check all that apply)

☒ Federal question

☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

FEDERAL REGULATIONS ON SECURITIES BONDS AND CASH
DEFENDANT FAILED TO EXECUTE AN ORDER AND
DENIED ACCESS TO ACCOUNT (FUNDS)

B. If the Basis for Jurisdiction Is Diversity of Citizenship

1. The Plaintiff(s)

a. If the plaintiff is an individual

~~The plaintiff, (name) _____, is a citizen of~~
~~the State of (name) _____.~~

b. If the plaintiff is a corporation

The plaintiff, (name) WELLS FARGO ADVISERS, is incorporated
under the laws of the State of (name) NORTH CAROLINA,
and has its principal place of business in the State of (name)
NORTH CAROLINA.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)

a. If the defendant is an individual

The defendant, (name) _____, is a citizen of
the State of (name) _____. Or is a citizen of
(foreign nation) _____.

b. If the defendant is a corporation

The defendant, (name) _____, is incorporated under the laws of the State of (name) _____, and has its principal place of business in the State of (name) _____. Or is incorporated under the laws of (foreign nation) _____, and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain):

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

In mid November of 2018 I discovered that
my mother and I were joint account holders
in a mutual fund. My mother passed in October, 2017.
I contacted the institution, identified myself
and asked for an account statement. They sent me
a list of documents to send them (death certificate,
affidavit of domicile ect..) I complied on January 14, 2019
And requested liquidation of account as I feel it is a
bad investment. Defendants forced me to open a new account
after my objection. And to date has ~~not~~ failed to execute order.

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

(>) HALF OF ASSETS ARE IN NON-INTEREST BEARING ACCOUNTS. DEMAND INTEREST AT LIBOR RATE (Fed Funds) ON CASH HOLDINGS FROM DATE OF ORDER JANUARY, 14 2019. AND PENALTY/FINE FOR NOT ALLOWING ACCESS TO FUNDS IN NOVEMBER 2018

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

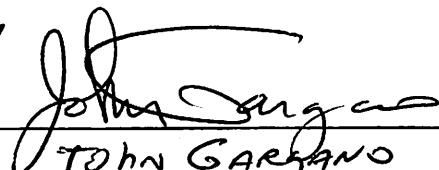
A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 02/19, 2019

Signature of Plaintiff

Printed Name of Plaintiff


JOHN GARGANO